

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AARON ABADI,

Plaintiff,

-v-

CITY OF NEW YORK,

Defendant.

21 Civ. 8071 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 4, 2022, the Court denied plaintiff Aaron Abadi's motion for a preliminary injunction against two executive orders related to COVID-19 vaccination requirements. Dkt. 24. On February 7, 2022, the defendant the City of New York (the "City") moved to dismiss Abadi's amended complaint. Dkt. 25. The same day, Abadi filed a notice of interlocutory appeal from the Court's opinion denying his request for emergency relief. Dkt. 28.

On March 9, 2022, the Court received a letter from the City arguing that the portions of Abadi's amended complaint challenging the Key to NYC program are now moot, because Mayor Eric Adams has lifted the vaccination requirements for restaurants, indoor gyms, and places of entertainment and recreation. Dkt. 30. Abadi responded, contesting the City's claim of mootness. Dkt. 31. On March 14, 2022, the Court held the motion to dismiss in abeyance pending the Circuit's resolution of Abadi's interlocutory appeal. Dkt. 32.


On July 14, 2022, the Circuit's mandate issued, denying Abadi's motions and summarily dismissing his appeal for "lack[ing] an arguable basis either in law or in fact." Dkt. 33 (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)). For substantially the same reasons reviewed in the Court's opinion denying Abadi's motion for a preliminary injunction, *see* Dkt. 24, the Court

grants the City's motion to dismiss Abadi's claims, with prejudice. *See Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000).

The Clerk of the Court is directed to close the motions pending at dockets 17 and 25 and to close this case.

SO ORDERED.

Dated: July 14, 2022
New York, New York



PAUL A. ENGELMAYER
United States District Judge